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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

Veronique GUILLOU et al.

SERIAL NO: 09/901,907

FILED: JULY 11, 2001

FOR: A TOPICAL CLEANSING COMPOSITION

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EXAMINER: YU, G.

GROUP ART UNIT: 1619

DECLARATION UNDER 37 C.F.R. 1.132ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

I, Laurence ARNAUD-SEBILLOTTE, hereby declare:

1. I am employed by L'ORÉAL as an engineer and have experience in the field of preparing and analyzing compositions.

2. I am familiar with the specification of the above-identified patent application as well as the three Rule 132 declarations previously submitted in connection with this application.

3. The following experiments were carried out by me or under my direct supervision and control.

4. The following compositions were prepared:

Ingredient	Invention composition A		Comparative Example 2	Comparative Example 3
Lauryl phosphate (lauryl monophosphate (with 75% monoester): MAP 20®: Kao	6.5%		6.5%	-----

Chemicals			
Potassium hydroxide	3.5%	3.5%	-----
Sodium lauryl ether sulfate (C12-14 70/30)(2.2 OE) (Texapon AOS 225 UP®); Cognis	-----	-----	6.5% active material (in 9,29% raw material)
Decyl glucoside (alkyl (C 9/11) polyglucoside (1.4) at 40% in aqueous solution: MYDOL 10®; Kao Chemicals	6.5% active material (in 16.25% raw material)	6.5% active material (in 16.25% raw material)	6.5% active material (in 16.25% raw material)
Polyquaternium-7	1% active material	-----	1% active material
Polyquaternium-10	-----	1% active material	-----
Citric acid	0.01%	0.25%	0.02%
Preservatives	0.2%	0.2%	0.2%
Water	Qsp 100%	Qsp 100%	Qsp 100%
pH	7.5	7.3	7.3

Invention Example A was a composition according to the present invention containing an anionic phosphate (lauryl phosphate) and a cationic polymer devoid of saccharide groups (polyquaternium-7). Comparative Example 2 was a composition containing an anionic phosphate (lauryl phosphate) and a cationic polymer containing saccharide groups (polyquaternium-10). Comparative Example 3 was a composition containing an anionic surfactant other than an anionic phosphate (sodium lauryl ether sulfate) and a cationic polymer devoid of saccharide groups (polyquaternium-7).

5. Thus, Comparative Example 2 did not contain a cationic polymer devoid of saccharide groups, whereas Invention Composition A did. Moreover, Comparative Example 3 did not contain an anionic phosphate surfactant, whereas Invention Composition A did. Unlike Invention Composition A and Comparative Example 2, Comparative Example 3 did not contain potassium hydroxide. Potassium hydroxide was excluded from Comparative Example 3 because sodium lauryl ether sulfate already contains alkali ion (sodium).

6. The sensory criteria (see, pages 17-18 of the present application) for these three compositions were determined. These criteria are set forth in the following table:

Sensory Criteria	Invention Composition A	Comparative Example 2	Comparative Example 3
Foam volume	6.4	6.4	5.7
Size of the bubbles	3.2	3.8	4.7
Density of the foam	7.5	7.0	6.3
Rinsing	9.1	6.5	8.1

7. The above results demonstrate that cationic polymers containing saccharide groups lead to compositions which are difficult to rinse as compared to compositions containing cationic polymers lacking saccharide groups (compare 6.5 of Comparative Example 2 with 9.1 of Invention Composition A). The above results also demonstrate that anionic surfactants which are not phosphates lead to compositions which (a) are more difficult to rinse (compare 8.1 of Comparative Example 3 with 9.1 of Invention Composition A); and (b) have low foam density (compare 6.3 of Comparative Example 3 with 7.5 of Invention Composition A) as compared to compositions containing anionic phosphates.

8. Similarly, the Rule 132 declaration submitted April 25, 2002, demonstrates that the invention compositions having an anionic phosphate surfactant and a cationic polymer devoid of saccharide groups have better rinsability and are more viscous than compositions having an anionic phosphate surfactant and a cationic polymer containing saccharide groups. The data set forth above supplements the data in the April 25, 2002, declaration. The data set forth above also demonstrates that the different surfactant concentrations in the compositions in the April 25, 2002 declaration do not materially affect the rinsability characteristics of the compositions. That is, both the data above and the data set forth in the April 25, 2002, declaration demonstrate that invention compositions having an anionic phosphate surfactant and a cationic polymer devoid of saccharide groups have better rinsability characteristics than compositions having an anionic phosphate surfactant and a cationic polymer containing saccharide groups regardless of whether the surfactant concentration is the same or different.

9. The Rule 132 declaration submitted December 8, 2003 demonstrates that compositions having an anionic phosphate surfactant and a cationic polymer devoid of saccharide groups have smaller bubble size and greater foam density than compositions having a different type of anionic surfactant and a cationic polymer devoid of saccharide groups. The data set forth above supplements the data in the December 8, 2003, declaration. The data set forth above also demonstrates that compositions having a cationic polymer containing saccharide groups have larger bubble size and lesser foam density than the invention compositions containing polymers devoid of saccharide groups.

10. The Rule 132 declaration submitted August 26, 2004 demonstrates that the invention compositions having an anionic phosphate surfactant and a cationic polymer devoid of saccharide groups have greater foam volume and density than compositions having only an anionic phosphate surfactant. The data set forth above supplements the data in the August 26, 2004, declaration. The data set forth above also demonstrates that compositions having a

cationic polymer containing saccharide groups have lesser foam density than the invention compositions containing polymers devoid of saccharide groups.

11. The improved sensory characteristics obtained with the invention compositions in the results presented here and in all of the previous Rule 132 declarations discussed above are representative of the present invention. That is, I would expect compositions comprising a surfactant component consisting essentially of at least one phosphate surfactant and at least one foaming non-ionic surfactant, and at least one cationic polymer devoid of saccharide groups in an aqueous medium, the composition having the appearance of a transparent gel, to possess improved sensory characteristics like those of the exemplified invention compositions. I have no reason to expect otherwise.

12. In contrast, the comparative examples containing an anionic surfactant other than an anionic phosphate and/or a cationic polymer having saccharide groups possessed inferior sensory characteristics as compared to the invention compositions. This difference in sensory characteristics demonstrates the criticality of having both an anionic phosphate and a cationic polymer devoid of saccharide groups in the invention compositions. This difference in sensory characteristics was unexpected and surprising.

13. The improved sensory characteristics associated with the invention compositions are commercially significant. For example, smaller bubble size and higher foam density are desirable physical properties for cleansing compositions because such properties lead to cleansing compositions having more commercially desirable characteristics such as, for example, better staying power and foam consistency. Similarly, improved rinsibility is a desirable characteristic for commercial cleansing compositions.

14. The undersigned petitioner declares further that all statements made herein of her own knowledge are true and that all statements made on information and belief are believe to be true; and further that these statements were made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

15. Further deponent sayeth not.

ARNAND-SEBILLOTTE Laurence  
Name

Laurence Armand Sebillotte  
Signature

March, 08 2005  
Date

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